

---

<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>30 April 2015</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>ERC/ENV/IM/15.230</b>
<b>Contact Officer:</b>	<b>Robert Graham</b>	<b>Contact No:</b>	<b>01475 714827</b>
<b>Subject:</b>	<b>Traffic Regulation Order Procedure (Revision 1)</b>		

---

## 1.0 PURPOSE

1.1 The purpose of this report is to advise the Committee of a revision to the procedure and decision making process involved in the promotion of permanent Traffic Regulation Orders (TRO) which will result in a reduction in the time taken to promote a TRO.

## 2.0 SUMMARY

2.1 This report revises the procedures, as agreed by Committee on 6 March 2014 (ERC/ENV/IM/13.187), which the Council follows when promoting a TRO governed by The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

2.2 The terms of reference of the Council's Scheme of Administration and Scheme of Delegation (Officers) identify the role of both the Environment and Regeneration Committee and the Head of Environmental and Commercial Services in dealing with TROs promoted by the Council.

2.3 To promote a TRO, Environmental and Commercial Services follow established procedures in accordance with the 1999 Regulations and Scottish Government Guidance involving consultations with various public bodies, the emergency services, local Members and other interested parties, advertisement of the proposal and making the documentation associated with the proposal available for public inspection.

2.4 This report sets out a revision to the full TRO procedure and highlights that the processing of permanent TROs has a strict procedure which must be followed. The procedure has consultative and administrative stages involving a variety of Council services and stakeholders, including communication with all Councillors in the case of TROs which are likely to generate significant public interest. For ease of reference, the proposed amendments to the procedure are shown as track changes at Appendix 1.

## 3.0 RECOMMENDATION

3.1 It is recommended that the Committee notes the revision to the procedure and decision making process involved in the promotion of permanent TROs in terms of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

**Ian Moffat**  
**Head of Environmental & Commercial Services**

## 4.0 BACKGROUND

4.1 Roads Authorities can place permanent or temporary restrictions on traffic within their areas by way of a TRO. The Road Traffic Regulation Act 1984 sets out what TROs may be used for. Examples of permanent TRO restrictions include:

- Waiting and Loading restrictions
- One Way traffic
- Speed Limits (20mph, 30mph, 40mph, 50mph)
- Weight limits on weak bridges

4.2 The Council formally adopted the procedures for the promotion of TROs similar to those operated by the former Strathclyde Regional Council in 1997. The procedure has been adapted over the years to comply with various changes in the relevant legislation and Council and Committee structure. The procedure has worked well over the years. However, a review has identified the opportunity to improve the process and ultimately the time taken to promote a TRO.

## 5.0 PROPOSALS

5.1 The procedure for making TROs includes several different processes, depending on whether the associated TRO is permanent or temporary. This report focuses on permanent TROs.

5.2 The procedure and associated processes are largely statutory requirements laid down by the 1999 Regulations.

5.3 The key stages in the procedure for making a permanent TRO are set out in Appendix 1. Committee is asked to note that this proposal is to remove the need for the non-statutory consultation element of the process involved in making permanent TROs.

5.4 Historically the Council has carried out a non-statutory consultation with key stakeholders which includes, but is not limited to, Police Scotland, Scottish Ambulance Service, Scottish Fire and Rescue Service, the local Ward Councillors, the Convenor and Vice-Convenor of the Environment & Regeneration Committee and the Community Council for the area. The removal of the non-statutory element of the consultation process will remove the duplication of consulting with the above bodies, as they also form part of the statutory consultation requirements, and will reduce the overall time to promote all TROs by at least 30 days.

## 6.0 IMPLICATIONS

### 6.1 Finance

The current approximate annual cost to Inverclyde Council incurred by advertising fees associated with TRO statutory procedure is £11,000. This is not affected by the proposed change.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

## Annually Recurring Costs/ (Savings)

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>With Effect from</b>	<b>Annual Net Impact</b>	<b>Virement From (if Applicable)</b>	<b>Other Comments</b>
Corporate Communications	Advertising	14/15	£11,000	N/A	

### 6.2 Legal

TROs will be promoted in accordance with the terms of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

### 6.3 Human Resources

No implications.

### 6.4 Equalities

No implications.

### 6.5 Repopulation

No implications.

## 7.0 CONSULTATIONS

7.1 The Head of Legal and Property Services has been consulted on the contents of this report.

7.2 The Chief Financial Officer has been consulted on the contents of this report.

## 8.0 LIST OF BACKGROUND PAPERS

8.1 None.

**ROAD TRAFFIC REGULATION ACT 1984 and THE LOCAL AUTHORITIES' TRAFFIC ORDERS (PROCEDURE) (SCOTLAND) REGULATIONS 1999****TRAFFIC REGULATION ORDER (TRO) PROCEDURE (Revision 1)**

1. Where Environmental and Commercial Services have determined that a TRO is necessary the Head of Environmental and Commercial Services will instruct the Head of Legal and Property Services to prepare the formal Order and supporting documentation.
  2. At this point the Head of Legal and Property Services will consult with Police Scotland, Scottish Ambulance Service, Scottish Fire and Rescue Service, the local Ward Councillors, the Convenor and Vice-Convenor of the Environment & Regeneration Committee and the Community Council for the area. For those TROs affecting the whole Inverclyde area or Disabled Parking Places, or which are likely to generate significant public interest, all Councillors and Community Councils will be consulted. It should be noted that this list is not exhaustive and will include other bodies depending on the type of TRO being promoted. The proposed TRO and supporting documentation (Schedule, Statement of Reasons and Plans) will also be passed to these consultees for information.
  3. The proposed TRO is advertised in the local newspaper and by notices on local street furniture. This starts the full public consultation process. Any interested party may now write to the Council with an objection to the terms of the TRO within 21 days (28 days if the TRO involves speed restrictions).
- ~~1. Where Environmental and Commercial Services have determined that a TRO is necessary, an initial consultation stage is undertaken by them. The bodies included in all initial consultations are Police Scotland, Scottish Ambulance Service, Scottish Fire and Rescue Service, the local Ward Councillors, the Convenor and Vice-Convenor of the Environment & Regeneration Committee and the Community Council for the area. For those TROs affecting the whole Inverclyde area or Disabled Parking Places, or which are likely to generate significant public interest all Councillors and Community Councils will be consulted. It should be noted that this list is not exhaustive and will include other bodies depending on the type of TRO being promoted. At this stage, comments made by those consulted are not regarded as objections.~~
- ~~2. The proposed TRO is then advertised in the local newspaper and this starts the full public consultation process. Any interested party may now write to the Council with an objection to the terms of the Order within 21 days. (28 days if the TRO involves speed restrictions).~~
- ~~3.4. \_\_\_\_\_ All documents associated with the proposed TRO will be made available for public inspection in the Customer Service Centre and all relevant libraries. The documents will also be placed on the Council's website.~~

- 4-5.\_\_\_\_\_ The Head of Environmental & Commercial Services will communicate with all Councillors on the specifics of those TROs which are likely to generate significant public interest.
- 5-6.\_\_\_\_\_ All objections are acknowledged by the Head of Legal and Property Services and forwarded to Environmental and Commercial Services to make comment.
- 6-7.\_\_\_\_\_ Further explanation or clarification of the proposals in discussion or correspondence with objectors may result in the objection being withdrawn. If the objection cannot be resolved, Environmental and Commercial Services will consider whether the original proposal is capable of amendment in such a way that does not fundamentally alter or increase the severity of the proposed TRO. If so, this amendment will be presented to the objectors so as to attempt to secure the withdrawal of the objection.
- 7-8.\_\_\_\_\_ Should the amendments increase the severity of or, fundamentally alter, the proposed TRO, then the proposals would require to be abandoned. Any future proposal taking into account the proposed amendments would require to go through the initial consultation and advertising stages once again.
- 8-9.\_\_\_\_\_ On receipt of comments from Environmental and Commercial Services on the objections received, the Head of Legal and Property Services will formally respond by letter to the objectors on the basis of these comments. The objectors are given 14 days in which to maintain or withdraw their objection. Failure by the objector to respond within 14 days will be taken to imply that the objection has been ~~withdrawn~~maintained.
- 9-10.\_\_\_\_\_ If no objections are received, or if all objections made are then withdrawn, the proposal is submitted for the approval of the Environment and Regeneration Committee and thereafter to the full Council.
- 10-11.\_\_\_\_\_ Where objections cannot be resolved through further explanation or alterations to the proposals, the proposal will either be abandoned, a public hearing before a Reporter will be held or the matter will be put to the Environment and Regeneration Committee for members to determine how to consider the objections.
- 11-12.\_\_\_\_\_ Should a public hearing be undertaken, notice of a hearing is published in the local newspaper and letters are issued to all of the parties that have maintained their objections. The conduct of the hearing will follow the procedure set out in the 1999 Regulations and will be led by the Reporter.
- 12-13.\_\_\_\_\_ Once the Reporter has made his recommendations these will be submitted to the Environment and Regeneration Committee for a decision on whether to proceed with the TRO. This decision will then be submitted to full Council for final approval.
- 13-14.\_\_\_\_\_ Once final approval of a TRO is given by full Council, the effective date of the TRO is inserted (taking account of the 6 weeks objection period below) and the TRO as approved is made. This involves the TRO being signed and sealed on behalf of

the Council by a Proper Officer. A notice is published in the local newspaper advising of the making of the TRO and of the effective date. A letter is issued to the Police and Procurator Fiscal advising the TRO has been made and enclosing a copy of the final TRO. A copy of the final TRO is made available for public inspection at the same locations as mentioned in para. 5 above. A 6 weeks period is available for any objections to be raised regarding the process of making the TRO. Any such challenges received are dealt with through the Court of Session.

~~14-15.~~ A TRO which requires no changes could be in place within 5 months, depending on the cycle of full Council meetings. An Order with objections which can be resolved as set out in para 8 above can take 8-11 months. A TRO which requires to go through all of the stages set out above, including a hearing before a Reporter, could take 12-18 months.

~~15-16.~~ A TRO must be complete within a period of two years from the first date of publication of the proposals, otherwise it cannot be made and would require to go through the whole process as set out above again.